

## **Remarks**

### **Status Of The Claims**

This is in response to the January 24, 2008 Office Action, which noted that claims 1-11, 13-16, 18-28, 30-44 and 46-54 were pending for consideration. Claim 54 was constructively elected. No claims have been added, amended, or cancelled herein. Applicants respectfully request reconsideration of the constructive election in view of the remarks below. Therefore, reconsideration of claims 1-11, 13-16, 18-28, 30-44 and 46-54 is respectfully requested.

### **Traversal of Constructive Election**

On page 2, the Office Action constructively elected claim 54 for allegedly being directed to an invention that is independent or distinct from the invention originally claimed. Specifically, the Office Action stated that claim 54 disclosed new limitations such as providing the customer with a reward upon confirmation of a delivery. Applicants respectfully disagree.

Applicants submit that a similar feature is already recited in claims which are directed to the originally claimed invention. For example, dependent claim 6 recites "giving the customer member receiving the package a predetermined point to **reward** a correct registration... when... the delivery completion notice indicate that receiving has been performed" (lines 2-5, emphasis added). Accordingly, the feature of providing a "reward" upon confirmation of a delivery as recited by claim 54 is not directed to a distinct or unrelated invention. In addition, Applicants submit that the remaining features of claim 54 recite features, of differing scope and breadth, already recited in the originally claimed invention. Therefore, Applicants respectfully request the constructive election be withdrawn.

### **Rejection under 35 U.S.C. § 103(a)**

On page 3, item 3, the Office Action rejected claims 1-4, 7-9, 11, 13-16, 18-28, 30-44, and 46-53 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter "Huxter", in view of U.S. Patent Application No. US 6,085,170 (hereinafter "Tsukuda"). This rejection is respectfully traversed.

On page 3, third paragraph, the Office Action conceded that Huxter fails to disclose a family member or lodger receiving the package, but relies on column 1, lines 23-30 of Tsukuda to cure this deficiency. This assertion is respectfully traversed.

For example, Tsukuda column 27-30 recites:

For resolving such problems, there was already known a technology with which the delivery of the commodities or goods can be done even in an instance of absence of family members at home. For example, in accordance with a conventional technology, a delivery box is provided for each family at the entrance of the house thereof.

As shown above, Tsukada merely describes that delivery can be performed in the absence of family members by providing a delivery box for each family member. In other words, delivery is performed without regard to the scheduling of each family member because if the family member is absent, a package is merely placed in the appropriate delivery box. In fact, the above citation of Tsukada teaches away from determining a schedule for each family member because the very purpose of the delivery box is to enable delivery in the absence of a family member. Accordingly, Tsukada fails to describe "registering schedule information concerning at least one of a family member..." and "said determining comprises referring to the schedule information of at least one of the registered family member" as recited by claim 1.

Accordingly, claim 1 patentably distinguishes over the cited art for at least the above-mentioned reasons. Dependent claims 2-4, 7-9, 11 and 13-16 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above mentioned reasons in addition to the additional features recited therein.

Claim 18 recites:

registering schedule information concerning at least one of a family member of said customer member and a lodger of said customer member...  
wherein said determining comprises referring to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving.

(claim 18, lines 7-18). Therefore, claim 18 patentably distinguishes over the cited art. Dependent claims 19-28 and 30-33 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above mentioned reasons in addition to the additional features recited therein.

Claim 34 recites:

a schedule register... which registers schedule information concerning at least one of a family member of said customer member and a lodger of said customer member...  
wherein the determining unit refers to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member

and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving.

(claim 34, lines 3-18). Therefore, claim 34 patentably distinguishes over the cited art. Dependent claims 35-44 and 46-49 inherit the patentable recitations of their respective base claims, and therefore, patentably distinguish over the cited art for at least the above mentioned reasons in addition to the additional features recited therein.

Claim 50 recites:

registering schedule information concerning at least one of a family member of said member and a lodger of said member...  
wherein said determining comprises referring to the schedule information of at least one of the registered family member of said member and the registered lodger of said member to make one of the registered family member and the registered lodger receive the package delivered to an address of said member, when said member to receive the package is unavailable for receiving

(claim 50, lines 4-16). Therefore, claim 50 patentably distinguishes over the cited art.

On page 5, item 4, the Office Action rejected claims 5, 6, and 10 under 35 U.S.C. § 103(a) as being unpatentable being unpatentable over Huxter, in view of Tsukuda as applied to the claims above, and further in view of U.S. Patent Application No. US 2002/016813 (hereinafter "Partovi"). This rejection is respectfully traversed.

Applicants submit that Partovi fails to cure the deficiencies of Tsukuda described above. Dependent claims 5, 6 and 10 inherit the patentable recitations of there base claims, and therefore, patentably distinguish over the cited art.

On page 6, item 5, the Office Action rejected claims 51-53 under 35 U.S.C. § 103(a) as being unpatentable being unpatentable over Huxter, in view of Tsukuda as applied to the claims above, and further in view of U.S. Patent Application No. US 2002/0072945 (hereinafter "Yang").

Applicants submit that Yang fails to cure the deficiencies of Tsukuda described above. Dependent claims 51-53 inherit the patentable distinctions of there respective base claims, and therefore, patentably distinguish over the cited art.

In view of the above, Applicants respectfully request the rejection be withdrawn.

## **Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 09/961,345

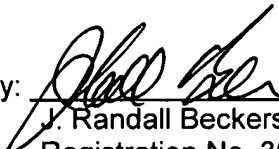
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/24/0

By:   
J. Randall Beckers  
Registration No. 30,358

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501